

EXHIBIT 11

In The Matter Of:
Juice Entertainment, et al v.
Live Nation Entertainment

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July 17, 2013

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<p style="text-align: right;">Page 13</p> <p>1 events. I don't remember which ones. I really 2 didn't deal with him directly. He made a couple 3 events of ours around that time period. 4 Q. How are you involved in the event that 5 gives rise to this lawsuit? 6 A. They approached my partner at the time 7 about doing something at the Meadowlands Fair, the 8 festival. We agreed to go in as a partnership to do 9 it. 10 Q. And what were you doing? 11 A. We were booking talent and marketing 12 as well. 13 Q. Who is the partner that you made 14 reference to? 15 A. Vito Bruno. 16 Q. Did you and Mr. Bruno do business 17 through a corporate entity? 18 A. Yes. 19 Q. What's the name of that? 20 A. Area Event LLC. 21 Q. Do you have a general sense of the 22 timeframe that you and Mr. Bruno were involved in 23 this venture with the plaintiffs? 24 A. It was -- I don't remember the year. 25 I think it was 2010. It might have been -- 2010. I</p>	<p style="text-align: right;">Page 15</p> <p>1 that's the way we are supposed to do it. 2 A. I'm sorry. 3 MR. SIEGEL: I'm sorry to interrupt. 4 (There was a discussion off the 5 record.) 6 (Amy Walker Wagner, Esq. enters the 7 deposition via telephone conference.) 8 MR. SIEGEL: The court reporter is 9 going to note your telephonic appearance. 10 Q. I'm not sure where we left off, but I 11 handed you Deposition Exhibit 1 which is the 12 Subpoena that brings you here today? 13 A. Right. 14 Q. My first question is do you recall 15 seeing this? 16 A. Yes. 17 Q. If you turn to pages nine and ten of 18 the document. 19 A. Okay. 20 Q. There's a list of 12 categories of 21 documents that we requested you produce, to the 22 extent that you have them. 23 A. Okay. 24 Q. Do you see that list? 25 A. Yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 think it was 2010. No, it was 2011. It was 2011. 2 I'm pretty sure it was 2011, earlier in the year, 3 January, February, first quarter. 4 Q. Do you have any documents, and I use 5 "documents" to mean not just paper documents but 6 electronic documents like e-mails, texts, anything 7 concerning your work on this event from the first 8 quarter of 2011? 9 A. I'm not sure because I changed e-mail 10 servers so I don't know if we have stuff backed up 11 from then. I may or may not. 12 Q. Do you recall being served with a 13 Subpoena in this case that brings you here today? 14 A. Yes. 15 Q. And the Subpoena contains a list of 16 documents that we requested that you provide? 17 A. Okay. 18 Q. Do you recall that? 19 A. No. 20 MR. MARX: Why don't we mark the first 21 deposition exhibit as Dimatteo-1. It is a multiple 22 page document bearing the title Deposition Subpoena. 23 (Exhibit Dimatteo-1 was marked for 24 identification.) 25 Q. I'm handing you the document because</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. You have not given us any documents 2 prior to today and I don't think you have any with 3 you. 4 A. No. 5 Q. My primary question at this point is 6 whether you believe any documents that are 7 identified on the list exist and that you can 8 preserve for us. I guess that's a compound 9 question, for which I apologize. 10 A. That's all right. 11 Q. So first do you think you have any 12 documents responsive to the requests? 13 A. I may. 14 Q. Okay. 15 A. I may. 16 Q. Which categories of documents do you 17 think you might have? 18 A. E-mails, I'm hoping. 19 Q. Do you have any -- would you have any 20 hard documents relating to The Event? 21 A. No. 22 Q. If you had anything it would be 23 e-mails? 24 A. It would be electronic. 25 Q. What would those e-mails be about?</p>

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<p style="text-align: right;">Page 29</p> <p>1 will say "offer is confirmed. Contract is on the 2 way," something along those lines. 3 Q. Okay. And then because it is the 4 agent that prepares the contract the next thing that 5 happens is that the contract is sent -- 6 A. The contract is then sent from the 7 agent to the buyer. 8 Q. What happens next? 9 A. The buyer marks up the contract, sends 10 it back, signs it, gives a deposit. 11 Q. And when is the act, the artist, 12 considered booked by the purchaser? 13 A. Once you get the confirmation e-mail 14 and says "this artist is confirmed." It is safe to 15 say you won't have the written, but the general 16 industry standard is once you get a confirmation 17 e-mail you can start moving ahead with the show. 18 Q. Does it ever happen that following 19 receiving the confirmation e-mail from the agent 20 that the party cannot reach terms on the written 21 contract? 22 A. It has happened. It happens. It does 23 happen. It is rare, but it happens. 24 Q. Going back to The Event. In the 25 summer of 2011 you mentioned electronic dance music.</p>	<p style="text-align: right;">Page 31</p> <p>1 couple offers out, a few offers out, not too many. 2 Q. What happened next? 3 A. We sent out offers and none of them 4 were accepted. 5 Q. What happened next? 6 A. We aborted once we couldn't get the 7 headliner. 8 Q. What do you mean by "couldn't get the 9 headliner?" 10 A. We couldn't secure a headlining artist 11 or anyone from my efforts. None of the offers I 12 sent out were accepted and then eventually we were 13 running out of lead time and we walked away from the 14 project. 15 Q. Do you know whether the state fair 16 terminated the contract with Mr. Dorfman and 17 Mr. Barrett -- 18 A. I don't know. 19 Q. -- or whether that decision was made 20 by your partnership? 21 A. When it got to a certain point and 22 lead time is out and offers had not been accepted, 23 my team left. What the plaintiff continued doing I 24 have no idea. 25 Q. How much lead time did you believe</p>
<p style="text-align: right;">Page 30</p> <p>1 Do you know whether Mr. Barrett and Mr. Dorfman were 2 intending to or hoping to put on events other than 3 electronic dance events? 4 A. I think a Latin event. 5 Q. Were you involved in the Latin event? 6 A. No. 7 Q. Do you know who was? 8 A. No, but I heard them mentioning it. 9 Q. Do you know whether they had any other 10 plans for events other than the electronic dance 11 moves and the Latin event? 12 A. I don't know for sure. 13 Q. Are you able to describe for me in a 14 summary way the nature of your involvement in the 15 project from the time you started working with 16 Mr. Barrett, Mr. Dorfman and Mr. Bruno and 17 Mr. Arteca until you stopped working on it? 18 A. We were sourcing out talent and 19 touching on production ideas, but mainly we were 20 sourcing out talent. 21 Q. What does that mean, sourcing out 22 talent? 23 A. We were putting a list of artists 24 together that we potentially wanted to book and I 25 had planned to send offers out. I believe we sent a</p>	<p style="text-align: right;">Page 32</p> <p>1 there needed to be prior to an event such as was 2 being contemplated here? 3 A. Over a year. 4 Q. Why do you say that? 5 A. Due to the nature and scope of a large 6 scale music festival and the nature of the lead time 7 needed to, you know, A, book talent, you know, B, 8 market the show and put it together logistically you 9 need -- especially a first-year festival you need 10 over a year. 11 Q. When you became involved in the 12 project was it your understanding that you would 13 have a year of lead time prior to the -- 14 A. We did not have a year of lead time 15 and I went against my better judgment and got 16 involved anyway because the deal seemed financially 17 good so I went ahead with it. 18 Q. You mentioned two reasons why lead 19 time was important in advance of a festival like 20 this. One was you needed time to book talent. Two 21 is you needed time to market the show. Did I recall 22 those correctly? 23 A. Yes, you did. 24 Q. Are there other reasons you need lead 25 time prior to a festival?</p>

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<p style="text-align: right;">Page 33</p> <p>1 A. Yes, to secure sponsorship, to secure 2 staff, negotiate all the terms of the venue. There 3 is a lot of other things. 4 Q. You mentioned the concept of having a 5 headliner. Did I recall that correctly? 6 A. Yes, you did. 7 Q. Can you tell me the need to have a 8 headliner at an event that was being contemplated? 9 A. Can you be more specific? 10 Q. Sure. Why did this event need a 11 headliner? 12 A. You need an artist to anchor The 13 Event, an artist that's capable of selling at least 14 50 percent of the capacity of the venue on their 15 own. The headliner is typically to anchor for the 16 event and it is supported with other talent. 17 Q. Who were the headliners that were 18 being discussed in connection with this event? 19 A. Tiesto. 20 Q. Any others? 21 A. Steve Angelo, at a certain point, and 22 I don't remember if there were others. 23 Q. And Tiesto and Angelo would be 24 sufficiently important as players in the industry 25 that they could be headliners for an event like</p>	<p style="text-align: right;">Page 35</p> <p>1 the rest of the talent. 2 Q. Now, I believe your testimony was that 3 Tiesto declined the offer because he went to 4 Electric Zoo. Did I recall that correctly? 5 A. Yes. 6 Q. What is Electric Zoo? 7 A. Electric Zoo is a music festival that 8 was launched in 2009. It takes place annually on 9 Labor Day weekend on Randall's Island and it is 10 produced by a company called Main Event. 11 Q. How do you know that Tiesto declined 12 the offer to appear at this event, so that he could 13 appear at the Electric Zoo event? 14 A. The agent told me. 15 Q. Who is the agent? 16 A. Paul Morris. 17 Q. Did Mr. Morris tell you that orally or 18 in writing? 19 A. Orally. 20 Q. Do you recall when he told you that? 21 A. No. 22 Q. Did you tell anybody else what 23 Mr. Morris had told you about the reason why Tiesto 24 was declining the offer to appear at this event? 25 A. Repeat that, please.</p>
<p style="text-align: right;">Page 34</p> <p>1 this? 2 A. Yes. 3 Q. Did you make offers to Tiesto and 4 Steve Angelo? 5 A. Yes. 6 Q. Were they accepted? 7 A. No. 8 Q. Do you know why they were not 9 accepted? 10 A. Tiesto -- Tiesto's offer was not 11 accepted because he played for -- he was going to 12 Electric Zoo. And Steve Angelo, for some reason, 13 just didn't want to do it. I don't know why. 14 Q. Do you know whether the fact that 15 Mr. Steve Angelo and Tiesto declining offers had an 16 impact on whether other artists were accepting or 17 not accepting offers to appear at The Event? 18 A. For sure. Having or not having an 19 artist of Tiesto's caliber will dictate, to a 20 certain extent, whether the support artists and 21 other talent on the show confirm. It is the first 22 thing they will say is "who else is playing." When 23 you say Tiesto is playing it gives The Event instant 24 credibility. When you have a headliner and you are 25 launching a new event it becomes difficult to secure</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Sure. Mr. Morris told you that Tiesto 2 was declining the offer to appear at this event? 3 A. Right. 4 Q. Because he was going to appear at 5 Electric Zoo? 6 A. Right. 7 Q. Did you tell anybody what Mr. Morris 8 had told you? 9 A. I probably told -- I don't remember 10 exactly. I really can't give a definitive answer. 11 I'm assuming I told the people that we were working 12 with, the plaintiff. 13 Q. Do you know whether you told them in 14 writing or -- 15 A. No, no, no, definitely not in writing. 16 Q. Okay. 17 A. Not to my knowledge anyway. 18 Q. Okay. 19 A. I should just say not to my knowledge. 20 Q. Did you speak about the reasons why 21 Tiesto was declining the offer at this event with 22 anyone else associated with Tiesto? 23 A. I don't remember. 24 Q. Now, you've been describing for me 25 what the partners you identified to me were doing in</p>

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<p style="text-align: right;">Page 53</p> <p>1 A. Yes.</p> <p>2 Q. And the subject is "DJ's from WME."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes, you did.</p> <p>5 Q. What is Exhibit 5?</p> <p>6 A. You are asking me?</p> <p>7 Q. Yes. What is it?</p> <p>8 A. It is a list of the artists that were</p> <p>9 potentially available to play The Event.</p> <p>10 Q. Did you send this e-mail out?</p> <p>11 A. Yes.</p> <p>12 Q. What was the purpose of the e-mail?</p> <p>13 A. To show everyone what was available to</p> <p>14 us.</p> <p>15 Q. And where did you get the list from?</p> <p>16 A. From William Morris agents.</p> <p>17 Q. Did you send this before or after the</p> <p>18 meeting at William Morris that you were describing</p> <p>19 earlier?</p> <p>20 A. I don't recall. I don't remember.</p> <p>21 Q. Did you have any discussions with the</p> <p>22 recipient of the e-mail about it at or around the</p> <p>23 time you sent it?</p> <p>24 A. I believe so.</p> <p>25 Q. Do you remember those discussions?</p>	<p style="text-align: right;">Page 55</p> <p>1 A. I wanted them to do that because I was</p> <p>2 in partnership with others and I want to be a good</p> <p>3 partner and show everyone before I do something.</p> <p>4 Q. Can you turn to Exhibit 7, please?</p> <p>5 A. Okay.</p> <p>6 Q. Exhibit 7 appears to be a series of</p> <p>7 e-mails between you and participants from William</p> <p>8 Morris Agency. Is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Including an e-mail from you to them</p> <p>11 on February 3rd which makes reference to offers to</p> <p>12 William Morris artists. Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Did you send the offer list to William</p> <p>15 Morris on or about February 3rd?</p> <p>16 A. I did.</p> <p>17 Q. Included in your e-mail to William</p> <p>18 Morris is the statement that "Please note that all</p> <p>19 offers expire on February 12th, 2011." Did I read</p> <p>20 that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. What is the purpose behind putting an</p> <p>23 expiration identifier in an e-mail like this to an</p> <p>24 agent?</p> <p>25 A. You want to illustrate a point that</p>
<p style="text-align: right;">Page 54</p> <p>1 A. No.</p> <p>2 Q. What is Dimatteo-6?</p> <p>3 A. Those are offer terms on the front</p> <p>4 page.</p> <p>5 Q. Is it an e-mail that you sent to the</p> <p>6 same recipients of Exhibit 5?</p> <p>7 A. Yes.</p> <p>8 Q. The subject says WME artists offer?</p> <p>9 A. Yes.</p> <p>10 Q. Is there an excel spread sheet</p> <p>11 attached to the e-mail?</p> <p>12 A. It appears that there is.</p> <p>13 Q. Did you prepare that spread sheet?</p> <p>14 A. I did.</p> <p>15 Q. Is that spread sheet a proposed offer</p> <p>16 list for William Morris artists?</p> <p>17 A. Yes.</p> <p>18 Q. What was the purpose of preparing the</p> <p>19 spread sheet?</p> <p>20 A. To make offers for the talent that we</p> <p>21 desired.</p> <p>22 Q. Your message to the others was "check</p> <p>23 this out before I send it."</p> <p>24 A. Yes.</p> <p>25 Q. Why did you want them to do that?</p>	<p style="text-align: right;">Page 56</p> <p>1 you want the offer accepted or confirmed --</p> <p>2 confirmed or rejected by a certain date.</p> <p>3 Q. All right.</p> <p>4 A. Once the offer expires -- once the</p> <p>5 offer expires you can then pull it back as the</p> <p>6 buyer. It is an unwritten rule in the industry that</p> <p>7 when you send an offer and prior to the expiration</p> <p>8 date, once you send the offer you can't pull it back</p> <p>9 until the offer expires. If you offer somebody</p> <p>10 \$100,000 to play a show and then you send an e-mail</p> <p>11 and then you decide the next day you don't want to</p> <p>12 do it, it kind of puts you in a bad situation with</p> <p>13 the agent.</p> <p>14 Q. I got it. I take it from the fact</p> <p>15 that you sent out the offer list to William Morris</p> <p>16 on or about February 3rd that your other partners</p> <p>17 approved you to do that?</p> <p>18 A. I believe so.</p> <p>19 Q. In response to the questions you had</p> <p>20 posed to them earlier?</p> <p>21 A. I believe so, yes.</p> <p>22 Q. Do you know whether these offers were</p> <p>23 accepted prior to the expiration of the offers?</p> <p>24 A. One thing I want to add.</p> <p>25 Q. Sure.</p>

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<p style="text-align: right;">Page 57</p> <p>1 A. I forgot to mention before. One offer 2 that was sent out was accepted that I made. That 3 was to Matthew Deer the Windish Agency. That offer 4 was accepted. 5 Q. Okay. 6 A. These were not accepted. 7 MR. MARX: Dimatteo-8. 8 (Whereupon, Exhibit Dimatteo-8 was 9 marked for identification.) 10 Q. I'm handing the witness what we are 11 marking bearing bates number Juice 2676. It is a 12 one-page e-mail from John Dimatteo to others with a 13 date of February 25th, 2011 and the subject is WMP 14 Artists? 15 I will ask you to take a look at it 16 and I will have a question or two. 17 A. Okay. 18 Q. What is Dimatteo-8? Is it an e-mail 19 that you sent? 20 A. Yes. 21 Q. And what was the purpose behind 22 sending the e-mail? 23 A. I was letting everyone know that we 24 didn't get to -- the offers weren't being accepted 25 and it appears that we needed to raise the offers</p>	<p style="text-align: right;">Page 59</p> <p>1 dialogue between you and Mr. Wiederlight from 2 William Morris? 3 A. Right. 4 Q. That concerns issues unrelated to The 5 Event? 6 A. Right. 7 Q. At some point Mr. Wiederlight raises 8 the subject of -- 9 A. I see. 10 Q. -- the subject of N.E.R.D. What is 11 that? 12 A. It is an act. 13 Q. Is that an act that was being 14 considered in connection to our event? 15 A. This event. 16 Q. I didn't mean "ours" as if I was one 17 of your partners. 18 MR. SIEGEL: You are not a plaintiff. 19 Go on. 20 Q. What did you understand 21 Mr. Wiederlight to be writing to you on March 3rd 22 concerning N.E.R.D.? 23 A. He was telling me how much it would 24 take to get it down. 25 Q. Did you convey that information to the</p>
<p style="text-align: right;">Page 58</p> <p>1 from what was originally sent. 2 Q. Do you recall why you sent this 3 e-mail? 4 A. I think I had a phone call with 5 someone at William Morris and we discussed these 6 prices over the phone. 7 Q. Do you know what the other partners in 8 connection with The Event did in response to your 9 e-mail? 10 A. I don't remember. 11 MR. MARX: Diamatteo-9. 12 (Exhibit Dimatteo-9 was marked for 13 identification.) 14 Q. I hand the witness Diamatteo-9. It is 15 a multiple page document that bears bates number 16 2609 to 2610. I'm going to ask you to look at it 17 and I will have a question or two. 18 A. Okay. 19 Q. Exhibit 9 looks to me like -- the top 20 document appears to be an e-mail dialogue between 21 you and the other partners in connection with The 22 Event. 23 A. I'm looking at this and the first 24 e-mails have nothing to do with The Event. 25 Q. Right. The first e-mails are a</p>	<p style="text-align: right;">Page 60</p> <p>1 other partners in the event? 2 A. Yes. 3 Q. Do you know what their response was? 4 A. It says "does it include Ferrell." 5 Q. And who is Ferrell? 6 A. He is the front man of the band. 7 Q. In other words -- 8 A. Yes. 9 Q. Do you know what happened with respect 10 to any offer to N.E.R.D.? 11 A. I don't think we made it. 12 Q. Did any William Morris artist accept 13 offers that you conveyed to appear at The Event? 14 A. No. 15 Q. Do you know why? 16 A. I don't remember why. 17 Q. Do you know whether Live Nation used 18 its influence in the industry to put pressure on 19 William Morris to require its artists to decline 20 offers to appear at this event? 21 A. I don't know first hand, but I was 22 told by others that something along those lines was 23 going on. 24 Q. Who told you that? 25 A. The plaintiffs.</p>

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<p style="text-align: right;">Page 61</p> <p>1 Q. Mr. Barrett and Mr. Dorfman?</p> <p>2 A. Yes.</p> <p>3 Q. What did they tell you?</p> <p>4 A. They told me that they spoke with</p> <p>5 someone, I don't know who, and that Live Nation was</p> <p>6 using their influence to prevent artists from</p> <p>7 playing this event.</p> <p>8 Q. When did he tell you that?</p> <p>9 A. I don't remember, that year, during</p> <p>10 this timeframe.</p> <p>11 Q. Was it during the timeframe that you</p> <p>12 were making offers to William Morris clients?</p> <p>13 A. I don't remember when. I really don't</p> <p>14 remember.</p> <p>15 Q. Did Mr. Dorfman and/or Mr. Barrett</p> <p>16 tell you who told them that Live Nation had used its</p> <p>17 influence that way?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you remember them saying that they</p> <p>20 used the influence with respect to William Morris or</p> <p>21 any other agencies?</p> <p>22 A. They mentioned William Morris and</p> <p>23 Tiesto. I don't know.</p> <p>24 Q. Did they show you any documents</p> <p>25 concerning that allegation?</p>	<p style="text-align: right;">Page 63</p> <p>1 A. I don't remember exactly.</p> <p>2 Q. Do you remember generally?</p> <p>3 A. Generally I'm assuming that obviously</p> <p>4 there was discussion as to why but I don't remember</p> <p>5 when, where, or what was discussed. Obviously,</p> <p>6 knowing myself, I'm assuming I did have some sort of</p> <p>7 discussion but I have no recollection of exactly</p> <p>8 what was said or when it was said. That's an</p> <p>9 assumption.</p> <p>10 Q. Understood. I am going to change</p> <p>11 subjects slightly.</p> <p>12 A. Sure.</p> <p>13 Q. Same general subject but we are going</p> <p>14 to change agencies.</p> <p>15 A. Okay.</p> <p>16 Q. What is A.M. Only?</p> <p>17 A. A.M. Only is an electronic music</p> <p>18 booking agency based in North America.</p> <p>19 Q. Have you had dealings with A.M. Only?</p> <p>20 A. Yes.</p> <p>21 Q. Both prior and after?</p> <p>22 A. Before, during and after.</p> <p>23 Q. Okay. Who do you deal with at A.M.</p> <p>24 Only?</p> <p>25 A. Everyone in the company pretty much,</p>
<p style="text-align: right;">Page 62</p> <p>1 A. No.</p> <p>2 Q. Do you believe the allegation?</p> <p>3 A. Did I believe the allegation? I guess</p> <p>4 to a certain extent, but obviously not hearing it</p> <p>5 first hand it sounded plausible. It sounded</p> <p>6 realistic.</p> <p>7 Q. Did you ever discuss the allegation</p> <p>8 with anybody?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Did you ever discuss with anybody from</p> <p>11 William Morris, whether William Morris had been</p> <p>12 pressured by Live Nation?</p> <p>13 A. No.</p> <p>14 Q. Did you ever discuss with any talent</p> <p>15 agent whether he or she had been pressured by Live</p> <p>16 Nation?</p> <p>17 A. No.</p> <p>18 Q. Did you ever ask anybody at William</p> <p>19 Morris why none of its artists accepted the offers</p> <p>20 that you had made in connection with this event?</p> <p>21 A. I don't remember.</p> <p>22 Q. Did you ever discuss with anybody from</p> <p>23 William Morris the reasons why none of the William</p> <p>24 Morris artists accepted offers to appear at this</p> <p>25 event?</p>	<p style="text-align: right;">Page 64</p> <p>1 all the agents in the company I should say.</p> <p>2 Q. And which agents did you deal with, if</p> <p>3 any, in connection with this event?</p> <p>4 A. Paul Morris primarily.</p> <p>5 Q. Do you recall dealing with any other</p> <p>6 agents?</p> <p>7 A. Yes, I know I did. I'm assuming I</p> <p>8 spoke with everybody. I specifically was talking to</p> <p>9 Paul in the interest of confirming the headliner,</p> <p>10 Tiesto. That was really the main -- my main</p> <p>11 objective in dealing with that agency.</p> <p>12 MR. MARX: Off the record.</p> <p>13 (There was a discussion off the</p> <p>14 record.)</p> <p>15 MR. MARX: Back on the record.</p> <p>16 Exhibits Dimatteo-10, 11, 12 and 13.</p> <p>17 (Exhibits Dimatteo-10 through</p> <p>18 Dimatteo-13 were marked for identification.)</p> <p>19 Q. I am going to hand the witness four</p> <p>20 documents that I marked as Dimatteo-10, Dimatteo-11,</p> <p>21 Dimatteo-12 and Dimatteo-13. While they are being</p> <p>22 handed out, I will identify them for the record.</p> <p>23 Exhibit 10 is a multiple page document</p> <p>24 bates 2216 through 2218. It has the subject</p> <p>25 "Forward Tiesto June 25th festival offer."</p>

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1 Dimatteo-11 is a multiple page
2 document with bates number Juice 2088 through 89.
3 It has a title Forward Avails.
4 Dimatteo-12 is a one-page document
5 with bates number Juice 2090. It has a title
6 subject Forward Roster.
7 Dimatteo-13 is a one-page document
8 bearing bates number Juice 4117 with a subject of
9 "Re: David Guetta festival offer."
10 Having done that, I'll ask the witness
11 to take a look through them and then I will have
12 some questions.
13 A. Okay.
14 Q. First off, have you seen those
15 documents before?
16 A. Yes.
17 Q. What are they?
18 A. Do you want me to go one at a time?
19 Q. Sure. Start with the first one, which
20 is chronologically first I guess, the e-mail dated
21 January 26th, 2011.
22 A. Got it.
23 Q. Okay. What is this document?
24 A. It is an offer to Tiesto and it is
25 also asking for other artists availabilities.

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1 Q. Where do I find the offer on this?
2 A. (Witness indicating.)
3 Q. So that's the page where the stamp is
4 2218 on the bottom right?
5 A. Yes.
6 Q. Can you tell me what kind of
7 information is contained in this offer?
8 A. Yes. Starting at the top the artist
9 requested is Tiesto. It has the date, number of --
10 Q. First off, where did you get this form
11 that contains the offer?
12 A. It is a template that we made.
13 Q. Do you use this template for all the
14 offers that you make?
15 A. There's three different templates that
16 we use. This is a flat fee offer template. There
17 are other offer templates where the artist is
18 involved in the expenses and that's a much more
19 detailed offer list sheet. That lists all the other
20 expenses.
21 Q. What's the third kind of template?
22 A. A more simplified version of that
23 list.
24 Q. What templates do you use in
25 connection with this one?

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1 A. This one.
2 Q. The one that you pointed at?
3 A. This the type of template that you
4 would use.
5 Q. It is the flat.
6 A. Flat guarantee.
7 Q. Flat guarantee template?
8 A. Yes.
9 Q. Did you prepare the template in the
10 same way for each of the offers that you made?
11 A. I think so.
12 Q. If I asked you to describe the
13 template for the Tiesto offer would your answers
14 apply to other templates that were prepared the same
15 way for this event?
16 A. I don't know.
17 Q. Fair enough. Tell me how you prepared
18 this offer.
19 A. At the top is the general event
20 information, agency, times, dates, agency, who it is
21 made out to, then the next heading is --
22 Q. It says "event" and it is name The
23 Outland Festival. What is that?
24 A. That was the working time. We changed
25 the name like 20 -- like several times.

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1 Q. What were some of the names?
2 A. Under One Sky, The Outland Festival,
3 Futronica. Those are the ones that stick out.
4 There were many others.
5 Q. What is the importance in establishing
6 a name for a festival like this, if any?
7 A. The brand is everything so it is of
8 the utmost importance.
9 Q. How far before The Event do you have
10 to arrive at a name in order for The Event to be
11 successful?
12 A. You know, ideally, you would want to
13 have the name and brand in place even before the
14 offer process begins. However as long as, you know,
15 when you go to market to the public you need --
16 obviously need to have your name, but the sooner you
17 have it the better.
18 Q. Were there any challenges that you
19 encountered in connection with attempting to put on
20 this event associated with the name?
21 A. Yes. Everyone involved had a hard
22 time agreeing on the name.
23 Q. Did that difficulty in agreeing on a
24 name have any implications for the success or lack
25 of success of the show?

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<p style="text-align: right;">Page 73</p> <p>1 interested in bringing to The Event. 2 Q. Okay. A.M. Only artists? 3 A. Correct. 4 Q. So the next document I believe would 5 be a series of e-mails between you and Emma H.? 6 A. Emma Hoser. 7 Q. Who is Emma Hoser? 8 A. She's an agent at A.M. Only. 9 Q. Did you interact with her in 10 connection with this event? 11 A. Yes. 12 Q. These are e-mails that start 13 February 9th and continue through February 23rd? 14 A. Yup. 15 Q. And what was the purpose of these 16 e-mails? 17 A. I was inquiring about artists that I 18 wanted to book on the show, The Event. 19 Q. Why were you doing that? 20 A. The same reason, for all the artists. 21 We are looking at artists that we want to 22 potentially book, see if they are available and if 23 they are and we want them and we then make an offer. 24 Q. The next document I believe is the 25 February 23rd, 2011 e-mail from you to the other</p>	<p style="text-align: right;">Page 75</p> <p>1 conveying an offer? 2 A. That was a different offer. 3 Q. What offer were you conveying there. 4 A. Are you referring to this? 5 Q. No, Exhibit 13. If you look down 6 Exhibit 13? 7 A. There was an offer sent for David 8 Guetta, correct. 9 Q. Do you recall sending an offer to A.M. 10 Only for David Guetta? 11 A. Now I do. 12 Q. What was that? 13 A. What was what? 14 Q. What was your offer? 15 A. How much? I don't remember. 16 Q. Okay. Does the e-mail that says the 17 offer for June 26th at \$175,000 is attached, does 18 that refresh your memory? 19 A. Yes, it does. 20 Q. Do you also remember containing within 21 that the indication that the offer would expire on 22 February 23rd? 23 A. Yes. That's why he's asking is it 24 still valid. 25 Q. Do you remember a discussion with</p>
<p style="text-align: right;">Page 74</p> <p>1 participants in the partnership which forwards 2 something from Matthew Rodriguez? 3 A. Yes. 4 Q. Who is Matthew Rodriguez? 5 A. He's an agent at A.M. Only. 6 Q. Did you interact with him in 7 connection with The Event? 8 A. Yes. 9 Q. In what way? 10 A. Same reason as Emma. 11 Q. What information were you passing 12 along from Mr. Rodriguez? 13 A. I was passing on the artists that were 14 potentially available to play at The Event which are 15 listed here, Emma and A.M. Only. 16 Q. Finally, we have a March 1st, 2011 17 e-mail from Paul Morris to you. 18 A. Right. 19 Q. And what is this? 20 A. He's asking who is locked in for the 21 event thus far. Is the offer for David Guetta still 22 valid. 23 Q. Is he referring to the e-mail that 24 follows below from you to Mr. Morris dated 25 February 16th, 2011 wherein you appear to be</p>	<p style="text-align: right;">Page 76</p> <p>1 Mr. Morris about David Guetta? 2 A. Brief, vague. I remember. 3 My memory is starting to come back to 4 me, but do I remember exactly what was said, no. 5 Obviously it was discussed. 6 Q. Let's go back and recap now. 7 Did you make offers to A.M. Only 8 artists? 9 A. Yes. 10 Q. What artists? 11 A. David Guetta, Tiesto, possibly others. 12 I don't remember. 13 Q. You remember Tiesto and -- 14 A. Yes. 15 Q. And David Guetta? 16 A. Yes. 17 Q. Now, the initial offer that we were 18 looking at for Tiesto was for \$207,000? 19 A. Yes. 20 Q. Do you recall increasing that offer? 21 A. Yes. 22 Q. Do you recall what it was increased 23 to? 24 A. \$400,000. 25 Q. Why was it increased to \$400,000?</p>

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<p style="text-align: right;">Page 77</p> <p>1 A. Because it appeared that we were going 2 to lose it to Electric Zoo or something else. 3 Q. Did Mr. Morris tell you that if you 4 increased your offer to \$400,000 that Tiesto would 5 appear? 6 A. No. 7 Q. Did you ever tell anybody that 8 Mr. Morris had told you that? 9 A. Not to my knowledge. He obviously 10 told me that it needed to come up. I don't remember 11 what the specific number was. 12 Q. Same question with respect to anyone 13 else from A.M. Only concerning Tiesto? 14 A. Concerning Tiesto I only spoke with 15 Paul Morris. 16 Q. So if you had any discussions 17 concerning Tiesto it would have been with Paul 18 Morris? 19 A. And only with Paul Morris. 20 Q. Did Paul Morris ever give you a verbal 21 agreement that Tiesto would appear at this event? 22 A. No. 23 Q. Did you ever tell anybody that 24 Mr. Morris had given you a verbal agreement that 25 Tiesto would appear at The Event?</p>	<p style="text-align: right;">Page 79</p> <p>1 A. Amy? 2 Q. Yes. 3 A. No. Are you referring to Amy 4 Thompson? 5 Q. I don't know. Is there an Amy 6 involved in connection with this event? 7 A. No. There's an Amy that's a manager 8 of one of the artists we made offers to. 9 Q. Is that Steve Angelo? 10 A. Correct. 11 Q. What's her name? 12 A. Amy Thompson. 13 Q. Amy Thompson? 14 A. Okay. 15 Q. Generically speaking, what were your 16 interactions with Windish? 17 A. We sent an offer and confirmed Matthew 18 Deer through Bretton. Steve Goodgold we had 19 discussed doing Steve Angelo. We sent an offer and 20 it was not accepted. 21 Q. Do you recall what the offer to Steve 22 Angelo was? 23 A. No. 24 Q. Was Steve Angelo one of the potential 25 headliners?</p>
<p style="text-align: right;">Page 78</p> <p>1 A. I don't think so. 2 Q. Who did you deal with at A.M. Only 3 concerning David Guetta? 4 A. Paul Morris as well. 5 Q. Paul Morris also? 6 A. Yes. 7 Q. Anybody else at A.M. Only -- 8 A. No. 9 Q. -- about David Guetta? 10 A. No. 11 Q. Only Paul Morris? 12 A. Right. 13 Q. Did Paul Morris ever tell you that 14 David Guetta had agreed to appear at this event? 15 A. No. 16 Q. I am going to change subjects and also 17 mark exhibits in bulk. The subject I am going to 18 change to is the Windish Agency. 19 A. Yes. 20 Q. Before we go there did you deal with 21 the Windish Agency in working with these events? 22 A. Yes. 23 Q. Who? 24 A. Steve and Bretton (phonetic). 25 Q. Did you deal with anybody named Amy?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. At a certain point he was. 2 Q. Was David Guetta one of the potential 3 headliners? 4 A. At a certain point he was. 5 Q. And Tiesto was a potential headliner? 6 A. Yes. 7 Q. Were there any other potential 8 headliners? 9 A. I don't remember. 10 Q. What about Dead Mouse? 11 A. No, not that I remember. 12 MR. MARX: There was a discussion off 13 the record. 14 (There was a discussion off the 15 record.) 16 MR. MARX: Back on the record. 17 (Exhibits Dimatteo-14 through 18 Dimatteo-19 were marked for identification.) 19 Q. I am going to hand the witness what 20 we've marked as Exhibits Dimatteo-14 through 21 Dimatteo-19. While he's looking at them I will 22 identify them for the record. 23 Exhibit Dimatteo-14 is a multiple page 24 document with bates number Juice 4139 through 4040. 25 Exhibit Dimatteo-15 is a multiple page document with</p>

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<p style="text-align: right;">Page 81</p> <p>1 bates number Juice 2105 through 2107. 2 Exhibit Dimatteo-16 is a multiple page document with 3 bates number Juice 2098 through 2103. 4 Exhibit Dimatteo-17 is a multiple page document with 5 bates number Juice 2644 through 2657. 6 Exhibit Dimatteo-18 is a multiple page document 7 bates number Juice 2621 through 2622. 8 Exhibit Dimatteo-19 is a one-page document. 9 MR. MARX: I am going to mark as 10 Exhibit 20 a multiple page document with bates 11 number Juice 1494 through 1496. 12 (Exhibit Dimatteo-20 was marked for 13 identification.) 14 Q. I am going to ask the witness to, for 15 a moment, set aside Dimatteo-19 which is fascinating 16 reading but it doesn't relate to the subject that we 17 are going to talk about in this next group. Feel 18 free to read it now or later. I promise we will 19 talk about it. 20 Have you had a chance to look at the 21 exhibits that I've handed you? 22 A. I'm sorry? 23 Q. Have you had a chance to look at 24 Exhibits Dimatteo 14 through 18 and 20, excluding 19 25 for now?</p>	<p style="text-align: right;">Page 83</p> <p>1 dialogue about The Event, which is typically a good 2 sign. So I conveyed that to the group. 3 Q. Can you look at Exhibit 18, please. 4 Exhibit 18 looks like to me contains a dialogue 5 between you and Steve Goodgold on March 1st? 6 A. Right. 7 Q. 2011? 8 A. Right. 9 Q. Which looks like it might be following 10 up on the e-mails that you were sending earlier, the 11 month before? 12 A. Right, yes, correct. 13 Q. Correct? 14 A. Yes. 15 Q. What's happening March 1st, according 16 to these e-mails? 17 A. I'm trying to find out what's going on 18 and he doesn't have any answers. 19 Q. Is this consistent with your memory of 20 what was happening with Steven Angelo? 21 A. I think so. 22 Q. Did there come a time when Steve 23 Goodgold declined the offer? 24 A. Yes. 25 Q. When did that happen?</p>
<p style="text-align: right;">Page 82</p> <p>1 A. I'm still going through 20. 2 Q. Okay. Take your time. 3 A. Okay. 4 Q. So these documents relate to offers to 5 Windish Agency clients. Is that correct? 6 A. Yes. 7 Q. Turning to 14, which is a series of 8 e-mails between you and Steve Goodgold regarding 9 Steve Angelo -- 10 A. Correct. 11 Q. -- can you tell me what these e-mails 12 are? 13 A. We are basically going back and forth 14 about the production of The Event, the size and 15 scope of The Event, the status, how everything is 16 working, mostly I see a lot of it is about the 17 production. That's pretty much it. 18 Q. What about Exhibit 15? Exhibit 15 -- 19 A. I forwarded that correspondence to the 20 group saying "STEVE is looking great. We are almost 21 there." 22 Q. What did you mean by that? 23 A. I meant that it looks like Steve 24 Angelo is a real possibility and I say that because 25 the agent and I were engaged in a back and forth</p>	<p style="text-align: right;">Page 84</p> <p>1 A. I believe it was over the phone. I 2 don't know when. 3 Q. Over the phone, you don't know when, 4 but do you remember any of the details concerning 5 the phone call? 6 A. No, just letting me know that it 7 wasn't happening. 8 Q. Did he tell you the reasons why? 9 A. I believe he said he wasn't feeling 10 it. 11 Q. Who is the "he?" 12 A. Steve Goodgold. 13 Q. Steve wasn't feeling it? 14 A. Yes. 15 Q. Did you ask him what he meant by that? 16 A. I don't remember. I don't remember. 17 I remember he said he wasn't feeling it or "we are 18 not feeling it." Somebody wasn't feeling it. 19 Q. Somebody wasn't feeling something? 20 A. Right. 21 Q. Okay. Did Steve Goodgold tell you 22 that the reason he or Steve Angelo or somebody 23 wasn't feeling something was because of pressure 24 from Live Nation that led Steve Angelo to reject the 25 offer?</p>

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<p style="text-align: right;">Page 85</p> <p>1 A. No.</p> <p>2 Q. Did anybody from Windish ever tell you</p> <p>3 that Live Nation had applied pressure to Windish</p> <p>4 with respect to this event?</p> <p>5 A. Not to my knowledge.</p> <p>6 Q. Do you know if any Windish artists</p> <p>7 declined appearing at The Event because of pressure</p> <p>8 from Live Nation?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Is your testimony the same with</p> <p>11 respect to A.M. Only?</p> <p>12 A. With everyone.</p> <p>13 Q. And William Morris?</p> <p>14 A. Yes.</p> <p>15 Q. That's what I thought it was. I just</p> <p>16 wanted to make sure we were on the same page.</p> <p>17 Did you ever tell anybody that Windish</p> <p>18 artists declined offers to appear at this event</p> <p>19 because of pressure from Live Nation?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Can you look at Exhibit 16, please?</p> <p>22 A. Sure.</p> <p>23 Q. Which looks like it is an e-mail sent</p> <p>24 from you to the other partners with the subject</p> <p>25 "Offers sent."</p>	<p style="text-align: right;">Page 87</p> <p>1 was going to appear at The Event?</p> <p>2 A. Sign the contract and send a deposit.</p> <p>3 Q. And did you sign the contract and send</p> <p>4 a deposit?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. I don't know. I think because we</p> <p>8 didn't have headliners.</p> <p>9 Q. Right. So at the time the Windish</p> <p>10 agency sent you the contract were you obligated to</p> <p>11 sign it and send it back with a deposit?</p> <p>12 A. That's what you are supposed to do.</p> <p>13 Q. And why are you supposed to do that?</p> <p>14 A. Because that's what you had asked for.</p> <p>15 You offered. They accepted. You have to fulfill</p> <p>16 your end of the deal.</p> <p>17 Q. Was this the only instance where you</p> <p>18 had sent an offer for an artist to appear at The</p> <p>19 Event and the agent sent you back a contract like</p> <p>20 this?</p> <p>21 A. To my knowledge, yes.</p> <p>22 Q. Can you look at Exhibit 19, please?</p> <p>23 A. 19.</p> <p>24 Q. Okay. I'm sorry. I meant to say</p> <p>25 Exhibit 20. I'm steering you in the wrong</p>
<p style="text-align: right;">Page 86</p> <p>1 A. Yes.</p> <p>2 Q. What is Exhibit 16?</p> <p>3 A. It is a bunch of offers all sent to</p> <p>4 artists that are on the Windish Agency.</p> <p>5 Q. Mike Snow?</p> <p>6 A. Right. Mike Snow, Matthew Deer who</p> <p>7 accepted, Trip C, Kaspas, Simian Mobile Disco.</p> <p>8 Q. If you look at Exhibit 17.</p> <p>9 A. Okay. It is the Matthew Deer offer</p> <p>10 being accepted.</p> <p>11 Q. Right. It is your e-mail to the team</p> <p>12 February 28, 2011, regarding the first contract.</p> <p>13 What is this exactly?</p> <p>14 A. This an artist contract for the</p> <p>15 acceptance of the offer sent to Matthew Deer by Brad</p> <p>16 Owen from the Windish Agency.</p> <p>17 Q. What did the fact that the Windish</p> <p>18 Agency was sending you this contract signify to you?</p> <p>19 A. That Matthew Deer was confirmed.</p> <p>20 Q. What if anything needed to be done</p> <p>21 next to ensure that Mr. Deer would appear at The</p> <p>22 Event on June 25th?</p> <p>23 A. I'm sorry.</p> <p>24 Q. What did you need to do next, if</p> <p>25 anything, in order to make sure that Matthew Deer</p>	<p style="text-align: right;">Page 88</p> <p>1 direction. I apologize.</p> <p>2 A. Okay.</p> <p>3 Q. My Exhibit 20 is an e-mail -- includes</p> <p>4 an e-mail from you to Paul at Sonicvogue.com and</p> <p>5 others on Thursday March 10th, 2011. Is that the</p> <p>6 Exhibit 20 that you have?</p> <p>7 A. Yes, it is.</p> <p>8 Q. If you go to the first e-mail which</p> <p>9 starts on the second page of the document it looks</p> <p>10 like there's an e-mail from Paul Potter to Steve</p> <p>11 Goodgold on March 10th, 2011?</p> <p>12 A. Right.</p> <p>13 Q. Did you see that before?</p> <p>14 A. I remember this.</p> <p>15 Q. You remember this. So tell me what</p> <p>16 happened here.</p> <p>17 A. After I had sent an offer and the</p> <p>18 offer being declined, they arbitrarily decided to</p> <p>19 contact the agent and ask about the same event and</p> <p>20 inquired about the same event.</p> <p>21 Q. Who is the "they?"</p> <p>22 A. Alan Sacks and Paul Potter.</p> <p>23 Q. So Alan Sacks and Paul Potter decided</p> <p>24 to call Steve Goodgold to inquire about Steve</p> <p>25 Angelo?</p>

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<p style="text-align: right;">Page 105</p> <p>1 CROSS-EXAMINATION</p> <p>2 BY MR. SIEGEL:</p> <p>3</p> <p>4 Q. Mr. Dimatteo, I'm David Siegel. I</p> <p>5 represent the plaintiffs in this case. I just have</p> <p>6 some follow-up questions. I want to touch on some</p> <p>7 of the topics that you've already testified about.</p> <p>8 I will try to be brief.</p> <p>9 Mr. Marx was asking you about the</p> <p>10 importance of lead time in producing an event like</p> <p>11 the one that was contemplated for the state fair. I</p> <p>12 believe you said that you would need a year and that</p> <p>13 it was against your better judgment that you agreed</p> <p>14 to become involved in this event.</p> <p>15 My question is, is it really the case</p> <p>16 that you always have the luxury of a year lead time</p> <p>17 before putting on an event like this?</p> <p>18 A. Not always.</p> <p>19 Q. Would you always -- well, let me put</p> <p>20 it this way. Is this the only occasion that you can</p> <p>21 remember agreeing to become involved in a project</p> <p>22 with less than a year lead time?</p> <p>23 A. You have to specify the nature of the</p> <p>24 project. I have projects that are small.</p> <p>25 Q. Right.</p>	<p style="text-align: right;">Page 107</p> <p>1 state fair.</p> <p>2 Q. By that do you mean the amount of</p> <p>3 money that Juice, the partnership, was going to have</p> <p>4 to pay the state fair to have access to the venue?</p> <p>5 A. Yes.</p> <p>6 Q. And I suppose you also mean the</p> <p>7 percentage cut of revenue that was going to go to</p> <p>8 Juice and what amount was going to go to the state</p> <p>9 fair. That was favorable as well?</p> <p>10 A. Yes, but the main selling point to me</p> <p>11 was the \$8 or \$10 per head for the venue and what</p> <p>12 came with that.</p> <p>13 Q. Did you have any expectations of, at</p> <p>14 that time, of what kind of revenue you thought could</p> <p>15 be generated by the event?</p> <p>16 A. Well, I made that budget sheet so</p> <p>17 those are my expectations, provided that the talents</p> <p>18 were confirmed.</p> <p>19 Q. And were you -- did it also seem</p> <p>20 attractive to you because it was a multi-year</p> <p>21 contract?</p> <p>22 A. Yes.</p> <p>23 Q. What was your understanding of what</p> <p>24 had to happen for the contract to be performed over</p> <p>25 subsequent years or for it to be extended?</p>
<p style="text-align: right;">Page 106</p> <p>1 A. A large scale music festival.</p> <p>2 Q. Let me back up and ask you that. This</p> <p>3 event was supposed to be a two-day event?</p> <p>4 A. Two-day multi-stage, 20,000 plus</p> <p>5 people per day.</p> <p>6 Q. That qualifies as a large scale music</p> <p>7 festival?</p> <p>8 A. Yes.</p> <p>9 Q. Can you recall other instances of</p> <p>10 similar events like the one involved in this case</p> <p>11 where you became involved with less than a year's</p> <p>12 lead time?</p> <p>13 A. Events similar in size?</p> <p>14 Q. Yes.</p> <p>15 A. No.</p> <p>16 Q. I think you told Mr. Marx that you</p> <p>17 agreed to do this one because you thought it seemed</p> <p>18 promising from a financial standpoint?</p> <p>19 A. Yes.</p> <p>20 Q. Could you elaborate on what you meant</p> <p>21 by that?</p> <p>22 A. I thought the deal with the venue was</p> <p>23 very good.</p> <p>24 Q. And you mean the financial terms?</p> <p>25 A. The financial terms, right, with the</p>	<p style="text-align: right;">Page 108</p> <p>1 A. One event had to be confirmed, one</p> <p>2 show, one show had to happen.</p> <p>3 Q. You testified earlier about Tiesto. I</p> <p>4 believe you said that the agent, Paul Morris, told</p> <p>5 you that Tiesto couldn't do The Event that was</p> <p>6 contemplated here at the Meadowlands because he was</p> <p>7 going to play Electric Zoo. Is that accurate?</p> <p>8 A. I believe so.</p> <p>9 Q. When did the Electric Zoo concert take</p> <p>10 place?</p> <p>11 A. Labor Day weekend.</p> <p>12 Q. So that would have been five months</p> <p>13 after this event was scheduled to take place?</p> <p>14 A. No, this was scheduled to take place</p> <p>15 in June. That was the last day of August,</p> <p>16 September, so that's about two months, three months.</p> <p>17 Q. Okay. Did he elaborate -- did</p> <p>18 Mr. Morris elaborate on the connection between the</p> <p>19 Electric Zoo event and this event? Did he tell you</p> <p>20 there's a contractual prohibition against Tiesto</p> <p>21 appearing at this event?</p> <p>22 A. No.</p> <p>23 Q. Did that seem plausible to you? Did</p> <p>24 it seem like a reasonable explanation?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 109</p> <p>1 Q. Why was that?</p> <p>2 A. It happens all of the time. You make</p> <p>3 offers. Some get rejected. Some get accepted. I</p> <p>4 was a little taken back because I had a good</p> <p>5 relationship with Tiesto, but the reality is that's</p> <p>6 the nature of the business.</p> <p>7 Q. But specifically in reference to the</p> <p>8 explanation that it had something to do with</p> <p>9 Electric Zoo, did that seem to ring true?</p> <p>10 A. Did it seem true?</p> <p>11 Q. Yes.</p> <p>12 A. It did seem true.</p> <p>13 Q. Does Live Nation have any connection</p> <p>14 to the Electric Zoo event?</p> <p>15 A. No.</p> <p>16 Q. Who produces that?</p> <p>17 A. Main Event.</p> <p>18 Q. That's a completely separate company?</p> <p>19 A. Yes.</p> <p>20 Q. At one point you were talking to</p> <p>21 Mr. Marx about some of the offers that had gone out.</p> <p>22 I believe this was in connection with the William</p> <p>23 Morris Agency. You got word back from the agency</p> <p>24 that the dollar amounts needed to be increased. My</p> <p>25 question to you is would that have been affordable</p>	<p style="text-align: right;">Page 111</p> <p>1 to fourteen days.</p> <p>2 Q. Seven to fourteen days?</p> <p>3 A. Right.</p> <p>4 Q. So in connection with this idea that a</p> <p>5 year might be required for lead time, how would that</p> <p>6 work in terms of sending offers out? If you were</p> <p>7 going to produce a festival like this and you had an</p> <p>8 ideal scenario to do it exactly how you wanted to do</p> <p>9 it, would you confirm an offer today for an event</p> <p>10 for a year from now?</p> <p>11 A. Yes. I've done it before.</p> <p>12 Q. And so in that case the artist just</p> <p>13 puts that on his calendar and he's unavailable for</p> <p>14 that week?</p> <p>15 A. Yes.</p> <p>16 Q. And you find that they are able to do</p> <p>17 that that far in advance? Do they like doing it</p> <p>18 that way?</p> <p>19 A. It depends on each artists's</p> <p>20 individual situation. So to make a general</p> <p>21 statement would be -- you can say that but for</p> <p>22 bigger shows the talent typically plans out the</p> <p>23 bigger shows and festivals very far out, very far</p> <p>24 out because you are competing with the globe, the</p> <p>25 markets around the world.</p>
<p style="text-align: right;">Page 110</p> <p>1 for Juice and people that it was working with?</p> <p>2 A. I don't know.</p> <p>3 Q. You testified earlier that Vito Bruno</p> <p>4 had what you thought was \$1 million in funds</p> <p>5 available to fund this?</p> <p>6 A. Right.</p> <p>7 Q. Presumably to use that money to make</p> <p>8 deposits, if necessary?</p> <p>9 A. Right.</p> <p>10 Q. So was it your impression that</p> <p>11 increasing the offers to those artists for William</p> <p>12 Morris would not have been a problem?</p> <p>13 A. I did not think it was at the time.</p> <p>14 Q. Okay.</p> <p>15 A. To the best of my knowledge.</p> <p>16 Q. I believe in connection with those</p> <p>17 same offers there was one and I don't remember</p> <p>18 exactly which one it was, but there was one that we</p> <p>19 looked at earlier where the expiration date appeared</p> <p>20 to be eight days after you sent the offer via</p> <p>21 e-mail. Would that have been unusual?</p> <p>22 A. No.</p> <p>23 Q. What would a typical time period be</p> <p>24 between sending an offer out and having it expire?</p> <p>25 A. Seven to ten days. I'm sorry, seven</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Right.</p> <p>2 A. Yes, for bigger shows, yes, they</p> <p>3 confirm sometimes even months out.</p> <p>4 Q. Now, with respect to the offer that</p> <p>5 was made to Tiesto do you recall traveling to Las</p> <p>6 Vegas to meet with Tiesto in connection with the</p> <p>7 offer for this event?</p> <p>8 A. Yes.</p> <p>9 Q. Were you going to meet with his agent</p> <p>10 or just to meet with him?</p> <p>11 A. Just to see him.</p> <p>12 Q. Tell me how that came about.</p> <p>13 A. He was performing somewhere, I don't</p> <p>14 remember where. I went to the show. We saw each</p> <p>15 other. I don't remember what we spoke about but.</p> <p>16 Q. I have something that I am going to</p> <p>17 use in a minute to refresh your recollection, but</p> <p>18 what you are telling me now is you don't remember</p> <p>19 what you talked about with him?</p> <p>20 A. I don't remember.</p> <p>21 Q. Did you talk about the offer for this</p> <p>22 event at all?</p> <p>23 A. I don't remember.</p> <p>24 Q. Who is Kelly Cobb?</p> <p>25 A. Kelly Cobb is -- at the time was an</p>

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1 A. Well, it is realistic that a promoter
2 of that size can influence talent from playing with
3 competitive competition, competitive buyers,
4 promoters.

5 MR. SIEGEL: I don't think I have any
6 more questions.

7 MR. MERINGOLO: I have no cross.
8 Thank you.

9
10 (The Deposition of JOHN DIMATTEO was
11 concluded at 3:54 p.m.)
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1 CERTIFICATE OF OFFICER
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4 I, DONNA KELLS, a Certified Court
5 Reporter and a Notary Public of the State of New
6 Jersey, do hereby certify that prior to the
7 commencement of the examination the witness was duly
8 sworn by me.

9 I DO FURTHER CERTIFY that the
10 following is a true and accurate transcript of the
11 testimony as taken stenographically by and before me
12 at the date, time and place aforementioned.

13 I DO FURTHER CERTIFY that I am neither
14 a relative nor employee, nor attorney or counsel to
15 any parties involved; that I am neither related to
16 nor employed by any such attorney or counsel, and
17 that I am not financially interested in the action.
18
19
20

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